

## **BOARD FOR CONTRACTORS COMMITTEE MEETING MINUTES**

The Board for Contractors Committee (The Committee) met on Monday, June 4, 2007, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following Committee members were present:

Robert M. Kirby, Chairman  
Michael D. Redifer, Vice Chairman  
Ann Rackas Pate

Committee members Mark Cronin, Jeffrey Modisett and Anthony Orange were not present.

The following DPOR staff attended the meeting:

Karen O'Neal, Deputy Director  
Nick Christner, Deputy Director  
Eric L. Olson, Executive Director  
Karen Kenney, Administrative Assistant  
Emily Trent, Licensing Specialist  
Bonnie Rhae Adams, Director CAR  
Doug Schroder, Director of Adjudication  
Jennifer Kazzie, Assistant Director – Adj.

Chairman Robert Kirby called the meeting to order at 4:05 p.m.

**Call To Order**

The Meeting Agenda was approved unanimously. Motion made by Mr. Redifer and seconded by Ms. Rackas Pate.

**Approval of  
Agenda**

The Minutes from the February 27, 2007, Committee meeting were adopted as drafted by unanimous vote. Motion made by Ms. Rackas Pate, seconded by Mr. Redifer.

**Minutes  
Adopted**

There was no Public Comment.

**Public Comment**

Twelve applications for proposed education providers and courses were reviewed and approved by the Committee:

**Education Provider  
Applicants**

**National Code Seminars' (NCS) – Tradesman CE (ELE)**, course syllabus is based on using the NASCLA "Business and Project Management for Contractors – "Virginia Edition" as the course textbook.

**National Code  
Seminars**

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously approved National Code Seminars' eight-hour contractor prelicense education course.

**Paul Abernathy** representative of Electrical Service Specialists –Tradesman CE (ELE), appeared at the meeting and addressed the Committee.

**Electrical Service  
Specialists**

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Redifer**, the Committee unanimously approved Electrical Service Specialists contractor prelicense education course.

**William Hussey** representative of M. C. Dean, Inc. – Tradesman CE (ELE, HVA, PLB, GFC, LPG, NGF), appeared at the meeting and addressed the Committee.

**M. C. Dean, Inc**

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously approved M. C. Dean, Inc. contractor prelicense education course.

**Bud Owens** – Tradesman CE (ELE, HVA, PLB, GFC, LPG, NGF)

**Bud Owens**

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously approved Bud Owens contractor prelicense education course.

**Robert Gregory**, representative of **Contractors Institute** – Tradesman CE (ELE, HVA, PLB, GFC, LPG, NGF), appeared at the meeting and addressed the Committee.

**Contractors Institute**

After discussion, and a motion by **Ms. Rackas Pate** seconded by **Mr. Redifer**, the Committee unanimously approved Contractors Institute's online prelicense education course.

**Joel Baker**, representative of **Pro Train, LLC** – Tradesman CE (ELE, HVA, PLB, GFC, LPG, NGF), appeared at the meeting and addressed the Committee.

**Pro Train, LLC**

After discussion, and a motion by **Mr. Redifer** seconded by **Ms. Rackas Pate**, the Committee unanimously approved Pro Train's online prelicense education course.

**Joseph Globel**, representative of **S. J. Goble** – Tradesman CE (ELE), appeared at the meeting and addressed the Committee.

**S. J. Goble**

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Redifer**, the Committee unanimously approved S. J. Goble contractor prelicense education course.

**Joseph Globel**, representative of Virginia Department of General Services – Tradesman CE (ELE), appeared at the meeting and addressed the Committee.

**Virginia Department of General Services**

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Redifer**, the Committee unanimously approved Virginia Department of General Services contractor prelicense education course.

**Tommy Dorsey, Sr. and Tommy Dorsey, Jr.**, representative of AAA Contractor Training - Contractor Pre-License Education, appeared at the meeting and addressed the Committee.

**AAA Contractor Training**

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Redifer**, the Committee unanimously approved AAA Contractor Training eight hour prelicense education course.

**Education and Training Services – Contractor Pre-License Education**

**Education and Training Services**

After discussion, and a motion by **Mr. Redifer** seconded by **Ms. Rackas Pate**, the Committee unanimously approved Education and Training Services' eight hour prelicense education course.

**Toni Ewell**, representative of Across Tidewater Contractor Education, appeared at the meeting and addressed the Committee.

**Across Tidewater Contractor Education**

After discussion, and a motion by **Mr. Redifer** seconded by **Ms. Rackas Pate**, the Committee unanimously approved Across Tidewater Contractor Education prelicense education course.

### **Regent Properties – Contractor Pre-License Education**

### **Regent Properties**

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Redifer**, the Committee unanimously approved Regent Properties' contractor prelicense education course.

The committee reviewed HB 3162 which was signed into law and will become effective on July 1, 2007. This bill amends §§ 54.1-1140 – 54.1-1143 and adds § 54.1-1142.1 regarding the certification of elevator mechanics. The bill provides for a number of changes to the current law, including:

### **HB 3162**

- 1) Adds a definition of "Certified elevator mechanics"
- 2) Amends the definition of "Elevator Mechanic"
- 3) Adds language to § 54.1-1141 providing that "no person shall engage in, or offer to engage in, work as an elevator mechanic in the Commonwealth..." essentially moving language that is currently in the definition section of the statutes.
- 4) Removes the "grandfather" language (time limit has expired)
- 5) Adds § 54.1-1142.1 which provides several provisions providing for the issuance of temporary certifications during certain instances, including:
  - a) When the Governor declares a state of emergency in accordance with § 44-146.17 or in the event of a work stoppage by elevator mechanics and the Board determines that the number of certified elevator mechanics is insufficient to meet the demands of the emergency or work stoppage.
  - b) When the Board is notified by a licensed contractor that there is a shortage of certified personnel to perform elevator work.
- 6) Adds a provision that continuing education is not required to temporary certifications issued in accordance with § 54.1-1142.1.

In discussing the provisions of this legislation the committee recommends that the board adopts, as policy, the following: "In accordance with the provisions of § 54.1-1142.1 C of the Code of Virginia that a contractor requesting consideration of the issuance of temporary certifications provide to the Board, in writing, such a request, including information documenting the event(s) leading to the shortage, data supporting the request and any other information the contractor wants the Board to review in consideration of the request. Additionally, the contractor will provide Applications for Temporary Certification forms for each individual to be considered for approval as a

temporary mechanic. All documentation requested on the form and the applicable fee(s) must be provided in order for the application to be considered. The completed request will be reviewed by the Board for Contractors at their next meeting.”

The committee reviewed two letters from Mark Stemniski regarding suggested changes to the applications and application/complaint review procedures. Mr. Stemniski is concerned that applicants for licensure may enter the names of individuals as the Responsible Management, Designated Employee and/or Qualified Individual without their knowledge and suggests that the Board require signatures of those individuals on the application. He also suggested that the Board conduct an annual mailing to all Designated Employees and Qualified Individuals to their “DMV” address notifying them that they have been listed on a contractor license. The committee, while empathetic of Mr. Stemniski’s concerns understand that contractor licenses are issued to business entities and that, generally, Responsible Management (officers, LLC members, etc.) have the authority to obligate the entity in the course of doing business, including applying for any licenses. As the Virginia State Corporation Commission doesn’t require notification from more than a single officer or member, the committee feels it would be excessive and burdensome to the regulant. Additionally, Designated Employees and Qualified Individuals are not held accountable for the actions of the business, only the Responsible Management is held accountable. The committee recommends not adopting Mr. Stemniski’s suggestions.

**Mark Stemniski**

The committee reviewed comment received on the proposed Water Well System Provider Regulations during the regulatory public comment period. Upon review of the comments the committee recommends that the Board approve the regulations as final with no amendments, responding to comments regarding amending the regulations with language found in the attached matrix.

**Water Well System  
Provider**

The committee reviewed a request from the Virginia Water Well Association regarding the inclusion of geothermal well drillers in the Certified Water Well System Provider program. Since there is no definition of “water well system” in the contractor statutes and the committee’s knowledge of such systems is limited, the committee voted to continue the matter until the September meeting. To assist with the discussion of this matter the committee will invite representatives from the Virginia Water Well Association, Virginia Department of Health and the geothermal well drillers industry.

**Virginia Water Well  
Association**

The committee reviewed the request of Mike Schnitzer that he be granted a Class A license without meeting the current eligibility requirements as he is currently licensed in West Virginia. Mr. Schnitzer cited 18 VAC 50-22-70 regarding the issuance of licenses in accordance with the terms of an agreement of reciprocity as the basis for his request, along with a list of his experience, exam history and other pertinent information. The committee recommends that Mr. Schnitzer’s request be denied, that he complete the examination and that he

**Mike Schnitzer**

meet all other eligibility requirements. Additionally the committee requests that staff continue to explore agreements of reciprocity with other states.

There was no old business.

**Old Business**

After discussion with board staff and members of CID, the committee recommends that the following policy be adopted by the board and that this language be used on correspondence with certain complainants notifying them that their cases have been closed:

**New Business**

**“In order to more efficiently utilize agency and board resources, any pending or future complaints received on licensees whose license has been revoked shall be closed administratively.”**

Mr. Redifer updated the Committee on possible changes to the code involving fire sprinklers and the implementation of the next round of code updates.

Chairman Kirby entertained a motion to adjourn from Ms. Rackas Pate, seconded by Mr. Redifer and approved unanimously by the Committee. The meeting adjourned at 5:50 p.m.

**Adjourn**

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Robert M. Kirby, Chairman

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Date